IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 931 of 1997

Between:

Syed Yousuf Basha, S/o.Syed Yasin Pir,

Arabic Pandit, Grade-2, Arabic High School,

Guntakal, Anantapur District.

..... PETITIONER

AND

1.The Correspondent, Arabic High School,

Guntakal, Anantapur District.

2.The District Educational Officer,

Anantapur, Anantapur District.

3.The Commissioner and Director of

School Education, Government of Andhra Pradesh,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, more in the nature of Mandamus, declaring the proceedings Rc.No.7985/B1/94, dated 19-08-1996 issued by the 2nd respondent as arbitrary, illegal, violating Art.14 and 21 of the Constitution of India and set aside the same and issue consequential directions, directing the respondents to pay the salary to the petitioner from September 1996 onwards forthwith, and continue the

petitioner as Arabic Pandit Grade-2.

Counsel for the Petitioner :MR.P.V.KRISHNAIAH, ADVOCATE.

Counsel for the Respondents : GP FOR SCHOOL EDUCATION

The Court made the following :

ORAL ORDER:

This writ petition is filed by the petitioner aggrieved by the proceedings of the 2nd respondent dated 19-08-1996 under which the first respondent was informed not to submit the salary bill of the petitioner until further orders from the Commissioner and Director of School Education, A.P., Hyderabad.

2. According to the petitioner, he was appointed as Arabic Munshee in an unaided post in the year 1985 and has been continuing in the time scale of 530-850 on a temporary basis. Thereafter the same post was converted into an aided post. Therefore, the proposals were sent by the first respondent to the 2nd respondent for appointing the petitioner in the said aided post. Though an order of approval was passed by the 2nd respondent, but, however, the 2nd respondent communicated to the 1st respondent that the said order of the 2nd respondent is subject to the approval of the 3rd respondent, and the 1st respondent was communicated not to submit the salary bills of the petitioner. Now, the contention of the petitioner is that as he was appointed as an Arabic Munshee, he was entitled for the payment of salary. Therefore, the respondents are not entitled to reject his claim.

3. Though no counter has been filed, at the time of hearing, the learned Government pleader contended that the petitioner is not qualified and not trained to hold the post of Arabic Munshee, and therefore, he is not entitled either for being appointed as Arabic Munshee or to claim any salaries from the respondents 2 and 3. Therefore, the learned Government Pleader contended that the petitioner is not entitled to any relief in the present writ petition. However, if the petitioner has got any claim in respect of an unaided post, he can proceed against first respondent for recovery of his salary.

4. Heard both sides and considered the material on record.

5. It is not the case of the petitioner that the petitioner is holding the qualification as well as training for being appointed as Arabic Munshee, Gr.II. No doubt, the first respondent appointed the petitioner originally in an unaided post in the year 1985. Subsequently, the said unaided post was converted into an aided post and with reference to the aided post, the stand of the official respondents is that the petitioner does not possess the requisite educational qualification as well as training for being appointed, and therefore, the petitioner is not entitled either to continue in the post or to claim any salary from the official respondents. The petitioner did not place any material showing that he possessed the educational qualifications as well as the training to hold the post of Arabic Pandit Grade II or Arabic Munshee, Gr.II. In the absence of any such material, the petitioner is not entitled to any relief in the present writ petition.

6. The writ petition is, accordingly, dismissed. No costs.

S. Ananda Reddy, J.

Dt:02-08-2004.

RNS/KVH

To

1.The Correspondent, Arabic High School,

Guntakal, Anantapur District.

2.The District Educational Officer,

Anantapur, Anantapur District.

3.The Commissioner and Director of

School Education, Government of Andhra Pradesh,

Hyderabad.

4. Two CCs to Government Pleader for School Education,

High Court of A.P.(O.U.T),

5. Two CDs.